



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 18.3

Subject: Youth Work Opportunity Program

Supersedes: DCS 18.3, 03/01/04

Local Policy: No

Local Procedures: Yes

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

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Application

To All Department of Children's Services Youth Development Center and DCS Group Homes Employees and Youth

Authority: TCA 37-5-106; 37-5-204; 50-5-101 - 50-5-106

Policy

Youth Development Center Superintendents and DCS Group Home Supervisors may establish work opportunity programs, as a resource for meeting the treatment needs of youth. All state regulations regarding employment of youth shall be followed.

Procedures

A. Eligibility

1. Age

Youth who participate in a work opportunity program must be at least 14 years old.

2. Education

Youth must not participate in a work opportunity program during school hours unless they have a high school diploma or General Education Development (GED) diploma or are enrolled in a course of instruction leading to a GED.

3. Health

Such participation must not interfere with the youth's health and well being.

4. IPP

- a) Each youth's treatment team must determine, based on eligibility criteria and the youth's IPP/treatment plan, whether such youth must be allowed to participate in the work opportunity program.
- b) A youth involved in the work opportunity program shall have specific goals and objectives relating to his/her employment in his/her IPP.

5. Discontinuation

Youth who violate established work opportunity program responsibilities and/or expectations may be discontinued from such program.

B. Restrictions

Youth who are less than eighteen (18) years of age are prohibited from being employed in occupations involving:

- 1. Plants or establishments manufacturing or storing explosives or articles containing explosive components;
- 2. Motor vehicle driving occupations;
- 3. Coal mine occupations;
- 4. Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill or cooperage-stock mill;
- 5. The operation of power-driven woodworking machines;
- 6. Exposure to radioactive substances and to ionizing radiations;
- 7. The operation of elevator and other power-driven hoisting apparatus;
- 8. The operation of power-driven metal-forming, punching and shearing machines;
- 9. Slaughtering, meat-packing, processing or rendering;

10. The operation of hazardous power-driven bakery machines;
11. The operation of hazardous power-driven paper products machines;
12. Manufacture of brick, tile and kindred products;
13. The operation of circular saws, band saws and guillotine shears;
14. Wrecking, demolition and ship-breaking operations;
15. Roofing operations;
16. Occupations in excavation operations
17. Posing or modeling alone or with others while engaged in sexual conduct for the purpose of preparing a film, photograph, negative, slide or motion picture.
18. Any occupation in a place of employment where the average monthly gross receipts from the sale of intoxicating beverages exceed twenty-five percent (25%) of the total gross receipts of the place of employment, or in any place of employment where a minor shall be permitted to take orders for or serve intoxicating beverages regardless of the amount of intoxicating beverages sold in the place of employment; and
19. Any occupations that the Commissioner shall (by regulation pursuant to the provisions of *TCA 50-5-106* Prohibited employment for minors) declare to be hazardous or injurious to the life, health, safety and welfare of minors.

C. Limits on time worked

Youth who are 14 and 15 years of age must not be employed:

1. During school hours,
2. Between the hours of 7:00 p.m. and 7:00 a.m. when the following day is a school day,
3. More than three (3) hours per day and eighteen (18) hours per week when the school is in session, and
4. More than eight (8) hours per day and 40 hours per week when school is not in session.

**D. Staff
responsibility**

The superintendent/supervisor/manager or their designees are responsible for the following:

1. Establishing criteria for youth eligibility to participate in the work opportunity program.
2. Establishing responsibilities and expectations for youth who participate in the work opportunity program.
3. Establishing time frames during which youth may participate in the work opportunity program appropriate to the youth's age and treatment needs.
4. Establishing a procedure for a thorough check of employers and locations to ensure that youth are employed in a wholesome work environment.
5. Ensuring that youth in the work opportunity program are paid at least the prevailing minimum wage by their employers and that monies earned by the youth are handled in accordance with appropriate DCS policies.
6. Ensuring that the prospective employment meets all requirements of this policy and of all state and federal regulations and status restrictions pertaining to the employment of minors.
7. Ascertaining the availability of transportation to and from the work site.
8. Establishing guidelines and/or requirements for:
 - a) Adequate on-site supervision of the youth,
 - b) Receiving progress reports from employers, and
 - c) Random on-site visits by facility employees.
9. Ensuring that all employers are informed as to the nature of the Department Of Children's Services and the custody status of the youth before the youth is allowed to begin work.
10. For youth in DCS Group Homes, staff time and facility resources will be devoted to assisting employable youth in locating employment.

Forms

None

Collateral Documents

None

Standards

ACA 3-JTS-5D-16

ACA 3-JTS-5D-18

ACA 3-JCRF-5D-05

ACA 3-JCRF-5D-06

ACA 3-JCRF-5D-07

DCS Practice Model Standard- 8-306